

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARIA SANCHEZ
Plaintiff,

v.

ALDI TEXAS, LLC
Defendant.

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CIVIL ACTION NO. 3:21-cv-00165

INDEX OF STATE COURT FILE

The following is an index identifying each state court document and the date in which each document was filed in the 192nd Judicial District Court, Dallas County, Texas.

EXHIBIT	DATE	DOCUMENT
2		State Court File
2a	01/25/2021	Docket Sheet
2b	01/07/2021	Plaintiff's Original Petition
2c	01/07/2021	Plaintiff's Letter Requesting Issuance of Citation
2d	01/19/2021	Return of Service for ALDI Texas LLC
2e	01/19/2021	ALDI (Texas) LLC's Original Answer
2f	01/19/2021	ALDI (Texas) LLC's Request for Jury Trial

EXHIBIT 2a

Case Information

DC-21-00178 | MARIA SANCHEZ vs. ALDI TEXAS LLC

Case Number	Court	Judicial Officer
DC-21-00178	192nd District Court	SMITH, CRAIG
File Date	Case Type	Case Status
01/07/2021	PROPERTY	OPEN

Party

PLAINTIFF
SANCHEZ, MARIA

Active Attorneys ▼
Lead Attorney
BAUGUSS, JAMES L, III
Retained

DEFENDANT
ALDI TEXAS LLC

Address
REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201

Active Attorneys ▼
Lead Attorney
SARGENT, DAVID LYNN
Retained

Events and Hearings

01/07/2021 NEW CASE FILED (OCA) - CIVIL

01/07/2021 ORIGINAL PETITION ▼

ORIGINAL PETITION

01/07/2021 CORRESPONDENCE - LETTER TO FILE ▼

FIRM COVER LETTER

01/07/2021 ISSUE CITATION

01/08/2021 CITATION ▼

Served

01/15/2021

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

01/19/2021

Comment

ALDI TEXAS LLC

01/19/2021 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER

01/19/2021 JURY DEMAND ▼

JURY DEMAND

01/19/2021 RETURN OF SERVICE ▼

EXECUTED CITATION - ALDI TEXAS, LLC

Comment

EXECUTED CITATION - ALDI TEXAS, LLC

Financial

SANCHEZ, MARIA

Total Financial Assessment \$300.00

Total Payments and Credits \$300.00

1/7/2021 Transaction Assessment \$300.00

1/7/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 1183-2021-DCLK	SANCHEZ, MARIA	(\$300.00)
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ALDI TEXAS LLC

Total Financial Assessment \$40.00

Total Payments and Credits \$40.00

1/20/2021 Transaction Assessment \$40.00

1/20/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 3565-2021-DCLK	ALDI TEXAS LLC	(\$40.00)
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Documents

ORIGINAL PETITION

FIRM COVER LETTER

ORIGINAL ANSWER

JURY DEMAND

EXECUTED CITATION - ALDI TEXAS, LLC

EXHIBIT 2b

CAUSE NO. DC-21-00178	
MARIA SANCHEZ, Plaintiff,	IN THE DISTRICT COURT
v.	<u>192ND</u> JUDICIAL DISTRICT
ALDI TEXAS LLC, Defendant.	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARIA SANCHEZ, Plaintiff, and files Plaintiff's Original Petition, complaining of Defendant, ALDI TEXAS LLC, and would show unto the Court as follows:

I. SELECTION OF DISCOVERY LEVEL

1. This suit is governed by discovery control plan II under Rule 190.3 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, MARIA SANCHEZ, is an individual who resides at 3715 Coker Street Apartment 109, Irving TX 75062.

3. Defendant, ALDI TEXAS LLC, is a corporation that may be served through its President, Vice-President or Registered Agent, C T Corporation System, at 1999 Bryan Street Suite 900, Dallas, TX 75201. Citation is being requested for this Defendant and service will be completed by a private process server.

III. JURISDICTION & VENUE

4. The Court has continuing jurisdiction over Defendant, because Defendant maintains minimum contacts with the State of Texas. The Court has jurisdiction over the controversy, because the damages are within the statutory jurisdictional limits of the Court.

5. Venue is proper in Dallas County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County.

IV. FACTS

6. On May 31, 2020 Plaintiff was injured on the premises located at 2926 North Belt Line Road, Irving, TX . Plaintiff, Maria Sanchez, was walking down an aisle when she slipped on an empty bread tray that was left out. At the time of injury, the premises were being used as a retail store by Defendant, ALDI Texas LLC.

7. Defendant was in control of the premises on which Plaintiff's injuries occurred. At the time the injuries occurred, Defendant was the owner of the premises or leasing the premises and had the exclusive right to control the property on which Plaintiff was injured.

8. Plaintiff was an invitee at the time the injury occurred. Plaintiff entered on Defendant's premises for the mutual benefit of herself and Defendant and at the implied invitation of Defendant. Defendant extended an open invitation to the public to enter the premises.

V. NEGLIGENCE

9. Because Plaintiff was an invitee at the time of injury, Defendant, ALDI Texas LLC, owed a duty to exercise ordinary care to keep the premises in reasonably safe condition, inspect the premises to discover latent defects, and to make safe any defects or give an adequate warning of any dangers.

10. Defendant's conduct, and that of its agents, servants, and employees, acting within the scope of their employment, constituted a breach of the duty of ordinary care owed to Plaintiff. Defendant knew or should have known that the condition on its premises created an unreasonable risk of harm to invitees. Specifically, Defendant breached its duty

in one or more of the following ways:

1. Failing to inspect the premises on a regular basis;
2. Failing to perform needed repairs;
3. Failing to place signs warning invitees;
4. Failing to instruct or train its agents, servants, and employees to maintain a hazard free environment;
5. Failing to remove hazardous obstacles; and
6. Failing to supervise its agents, servants, and employees to ensure the safety of invitees.

VI. DAMAGES

11. As a proximate result of Defendant's negligence, Plaintiff suffered severe physical injuries. As a result of her injuries, Plaintiff has suffered the following damages:

- a. Physical pain and mental anguish in the past and future;
- b. Medical expenses in the past and future; and
- c. Physical impairment.

VII. PRAYER

12. WHEREFORE, PREMISES CONSIDERED, Plaintiff, MARIA SANCHEZ, respectfully requests that Defendant, ALDI TEXAS LLC, be cited to appear and answer, and on final trial, that Plaintiff have judgment against Defendant for:

- a. Actual damages;
- b. Prejudgment and post judgment interest as allowed by law;
- c. Costs of suit;
- d. monetary relief over \$250,000 but not more than \$1,000,000; and
- e. Any further relief, either in law or equity, to which Plaintiff is justly entitled.

VIII. REQUEST FOR DISCLOSURE

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2 (a) - (l).

Respectfully submitted,

Ben Abbott & Associates, PLLC
1934 Pendleton Drive
Garland, Texas 75041
(972) 263-5555
(817) 263-5555
(972) 682-7586 Facsimile
eService@benabbott.com
/s/ James Bauguss III
James Bauguss III
State Bar No. 24045463

ATTORNEY FOR PLAINTIFF

EXHIBIT 2c

BEN ABBOTT

LESLEY HOLLOWAY
Managing Partner**BEN ABBOTT & ASSOCIATES, PLLC**
ATTORNEYS AT LAW1934 PENDLETON DRIVE
GARLAND, TX 75041
Hours: Monday - Friday, 8am - 5pmTELEPHONE: (972) 263-5555
(817) 263-5555

PRE-LIT FAX: (214) 635-5949

LIT FAX: (972) 682-7586

eService@benabbott.com

DAVID MALDONADO
JAMES BAUGUSS, III
MAHTAB "MATTIE" DOTY
GRIFFIN SCHEUMACK
JOSHUA HANCOCK
TANICA MANN
ROYEAL FRASIER-LEWIS
THOMAS HENDRIX
CHELSEY WATTS
BLANCA MILAN
ANDREW VRANKOVIC
AMANDA GREEN FRENCHDALLAS CO., TEXAS
Angie Avina DEPUTY

January 7, 2021

☐ Via E-Filing

Clerk of Court

Dallas County District Clerk

George L. Allen, Sr., Courts Building

600 Commerce Street

Dallas, TX 75202

DC-21-00178

RE: *MARIA SANCHEZ v. ALDI TEXAS LLC*

Dear Clerk:

Attached for filing is Plaintiff's Original Petition and Request for Disclosure.
Please file the original in the court's records and issue citation for the following:

ALDI TEXAS LLC**Served through its President, Vice-President or Registered Agent, C T Corporation System, at 1999 Bryan Street Suite 900, Dallas, TX 75201**

There will be no copies of the Plaintiff's Original Petition and Request for Disclosure provided or requested. Please return the citation(s) to me via email at eService@benabbott.com.

Electronic fees in the amount of \$300.00 have been submitted to cover costs relating to filing and/or issuance of citations.

Should you have any questions, please feel free to contact the undersigned.

Regards,

Jennifer Zuniga
Legal Assistant

EXHIBIT 2d

CAUSE NO. DC-21-00178

MARIA SANCHEZ,

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IN THE DISTRICT COURT

Plaintiff(s),

VS.

192ND JUDICIAL DISTRICT

ALDI TEXAS LLC,

Defendant(s).

DALLAS COUNTY, TEXAS

RETURN OF SERVICE

Came to my hand on **Friday, January 15, 2021 at 1:11 PM**,
 Executed at: **1999 BRYAN STREET, DALLAS, TX 75201**
 within the county of **DALLAS** at **2:05 PM**, on **Friday, January 15, 2021**,
 by delivering to the within named:

ALDI TEXAS LLC

By delivering to its **Registered Agent, CT CORPORATION SYSTEM**
 By personally delivering to its **Authorized Agent, TERRI THONGSAVAT**
 a true copy of this

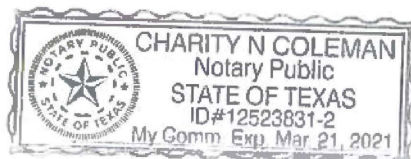
CITATION and PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE


having first endorsed thereon the date of the delivery.

BEFORE ME, the undersigned authority, on this day personally appeared **Ryan McColm** who after being duly sworn on oath states: "My name is **Ryan McColm**. I am a person not less than eighteen (18) years of age and I am competent to make this oath. I am a resident of the State of Texas. I have personal knowledge of the facts and statements contained herein and aver that each is true and correct. I am not a party to nor related or affiliated with any party to this suit. I have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I am familiar with the Texas Rules of Civil Procedure, and the Texas Civil Practice and Remedies Codes as they apply to service of process. I am certified by the Judicial Branch Certification Commission to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas in compliance with rule 103 and 501.2 of the TRCP."

By: 
Ryan McColm - PSC 6317 - Exp 01/31/23
served@specialdelivery.com

Subscribed and Sworn to by **Ryan McColm**, Before Me, the undersigned authority, on this
18th day of January, 2021.




Notary Public in and for the State of Texas

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **ALDI TEXAS LLC
BY SERVING REGISTERED AGENT CT, CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TEXAS 75201**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **192nd District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **MARIA SANCHEZ**

Filed in said Court **7th day of January, 2021** against

ALDI TEXAS LLC

For Suit, said suit being numbered **DC-21-00178**, the nature of which demand is as follows: Suit on **PROPERTY** etc. as shown on said petition & **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 8th day of January, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By ANGELA CONEJO, Deputy



**FORWARD THIS TO
YOUR INSURANCE COMPANY**

**MANDE ESTA FORMA
A SU ASEGURANZA**

ESERVE

CITATION

DC-21-00178

**MARIA SANCHEZ
vs.
ALDI TEXAS LLC**

**ISSUED THIS
8th day of January, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
JAMES L BAUGUSS, III
BEN ABBOTT AND ASSOCIATES PLLC
1934 PENDLETON DR
GARLAND TEXAS 75041
972-263-5555
eService@benabbott.com**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

**RETURN / AFFIDAVIT
PROOF / ATTACHED
OFFICER'S RETURN**

Case No. : DC-21-00178

Court No.192nd District Court

Style: MARIA SANCHEZ

vs.

ALDI TEXAS LLC

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

**RETURN / AFFIDAVIT
PROOF / ATTACHED**

EXHIBIT 2e

CAUSE NO. DC-21-00178

MARIA SANCHEZ	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	192 ND JUDICIAL DISTRICT
	§	
ALDI TEXAS, LLC,	§	
	§	
<i>Defendants.</i>	§	DALLAS COUNTY, TEXAS

DEFENDANT ALDI TEXAS, LLC'S ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ALDI TEXAS, LLC, Defendant herein, and files its Original Answer to Plaintiff's Original Petition, and in support thereof would respectfully show unto this Honorable Court as follows:

I.
GENERAL DENIAL

Defendant denies each and every, all and singular, the allegations contained in Plaintiff's Original Petition and demands strict proof thereof as authorized by Texas Rule of Civil Procedure 92.

II.
REQUEST FOR DISCLOSURE

Under Texas Rule of Procedure 194, Defendant requests that Plaintiff disclose, within thirty (30) days of the service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

III.
NOTICE OF INTENT TO USE DOCUMENTS PRODUCED
PURSUANT TO T.R.C.P. 193.7

Defendant places Plaintiff on notice that pursuant to TEX. R. CIV. P. 193.7, all documents produced by Plaintiff in this litigation are authenticated for use against the producing party in this case and may be used as evidence during pre-trial procedures and at trial of this matter.

IV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing hereof, Plaintiff takes nothing by way of her cause of action herein, that Defendant recovers its costs herein expended and for such other and further relief, at law or in equity, to which Defendant may show itself justly entitled to receive.

Respectfully submitted,

SARGENT LAW, P.C.

By: /s/ David L. Sargent
DAVID L. SARGENT
SBN: 17648700
David.sargent@sargentlawtx.com

1717 Main Street, Suite 4750
Dallas, Texas 75201
(214) 749-6516 (direct – David Sargent)
(214) 749-6316 (fax – David Sargent)

ATTORNEYS FOR DEFENDANT
ALDI TEXAS, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on the 18th day of January 2021, a true and correct copy of the foregoing document was forwarded via eFile to counsel for Plaintiff:

BEN ABBOTT & ASSOCIATES, PLLC

James Bauguss III

State Bar No. 24045463

1934 Pendleton Drive

Garland, TX 75041

(972) 263-5555 (T)

(972) 682-7586 (F)

eService@benabbott.com

/s/ David L. Sargent

DAVID L. SARGENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

David Sargent on behalf of David Lynn Sargent
 Bar No. 17648700
 david.sargent@sargentlawtx.com
 Envelope ID: 49785882
 Status as of 1/20/2021 9:13 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
JAMES BAUGUSS		eService@benabbott.com	1/18/2021 11:48:35 AM	SENT
Ellen Flood		ellen.flood@sargentlawtx.com	1/18/2021 11:48:35 AM	SENT
Debbie Yeager		debbie.yeager@sargentlawtx.com	1/18/2021 11:48:35 AM	SENT

Associated Case Party: ALDI TEXAS LLC

Name	BarNumber	Email	TimestampSubmitted	Status
David LSargent		david.sargent@sargentlawtx.com	1/18/2021 11:48:35 AM	SENT

EXHIBIT 2f

CAUSE NO. DC-21-00178

MARIA SANCHEZ	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
VS.	§	192 ND JUDICIAL DISTRICT
	§	
ALDI TEXAS, LLC,	§	
<i>Defendant.</i>	§	DALLAS COUNTY, TEXAS

DEFENDANTS' REQUEST FOR JURY TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, ALDI TEXAS, LLC, Defendant herein, and requests that a jury trial be held on said cause. A jury fee has been paid by the Defendant.

Respectfully submitted,

SARGENT LAW, P.C.

By: /s/ David L. Sargent
DAVID L. SARGENT
State Bar No. 17648700
david.sargent@sargentlawtx.com

1717 Main Street, Suite 4750
Dallas, Texas 75201
(214) 749-6516 (direct)
(214) 749-6316 (fax)

**ATTORNEYS FOR DEFENDANT
ALDI TEXAS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that on the 18th day of January 2021, a true and correct copy of the foregoing document was forwarded via E-File to all counsel on record:

BEN ABBOTT & ASSOCIATES, PLLC

James Bauguss III

State Bar No. 24045463

1934 Pendleton Drive

Garland, TX 75041

(972) 263-5555 (T)

(972) 682-7586 (F)

eService@benabbott.com

/s/ David L. Sargent

DAVID L. SARGENT

Automated Certificate of eService

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David Sargent on behalf of David Lynn Sargent
 Bar No. 17648700
 david.sargent@sargentlawtx.com
 Envelope ID: 49785882
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JAMES BAUGUSS		eService@benabbott.com	1/18/2021 11:48:35 AM	SENT
Ellen Flood		ellen.flood@sargentlawtx.com	1/18/2021 11:48:35 AM	SENT
Debbie Yeager		debbie.yeager@sargentlawtx.com	1/18/2021 11:48:35 AM	SENT

Associated Case Party: ALDI TEXAS LLC

Name	BarNumber	Email	TimestampSubmitted	Status
David LSargent		david.sargent@sargentlawtx.com	1/18/2021 11:48:35 AM	SENT